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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,677	09/10/1999	TETSURO MOTOYAMA	5244-0099-2X	3114

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EXAMINER

TRAN, MYLINH T

ART UNIT PAPER NUMBER

2179

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/393,677	Applicant(s) MOTOYAMA ET AL.	
	Examiner Mylinh Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-9,13-17,21-25 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-9, 13-17, 21-25 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/18/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed 08/24/06 has been entered and carefully considered. Claims 1, 7, 9, 15, 17, 23, 25 and 31 have been amended. Claims 33-36 have been added. However, the limitation of the amended claims and new claims have not been found to be patentable over prior art of record, therefore, claims 1, 5-9, 13-17, 21-25 and 29-36 are rejected under the same ground of rejection as set forth in the Office Action mailed 06/30/06.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 9, 17 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the abstract class" lacks clear antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 5-9, 13-17, 21-25 and 29-36 are rejected under 35 U.S.C. 103(x) as being unpatentable over Boulton et al. [US. 5,566,291] in view of Varga et al. [US. 6,181,981].

As per claims 1, 9, 17, 25, Boulton teaches a computer implemented method and corresponding system for monitoring usage of an interface of a device comprising the steps/means: A device comprising an interface, the interface comprising a plurality of operations to be selected by a user (column 3, lines 60-67); a monitoring unit configured to monitor data of selecting of the plurality of operations of the interface by the user (column 4, lines 15-30), and to generate the monitored data (see abstract), the monitored data being stored in the device (column 5, lines 36-44); a Boulton fails to clearly teach the step of automatically start the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent, the step of automatically starting the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent and automatically upon start-up of the image forming device without the user directly starting a monitoring program. However, Varga teaches the step of automatically starting the monitoring without requiring a connection to a receiving device to which the log of monitored data is to be sent (e.g., col. 2, line 65 - col. 3, line 13; *self-monitoring vending machine* and to automatically communicate the monitored data by a unidirectional communication without requiring input from

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the device to which the monitored data is to be sent (e.g., col. 2, line 65 - col. 3, line 13; *self-monitoring vending machine*). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the Varga's teachings with the Boulton's system. Motivation of the combination would have been to make it easy for the user by not requiring him/her to directly execute a specific monitoring program.

As per claims 5, 13, 21, and 29, Boulton teaches the communicating unit sends the log of the monitored data when the user exits the device (column 12, lines 47-56).

As per claims 6, 7, 14, 15, 22, 23, 30 and 31, Boulton teaches a setting unit configured to set a number of sessions of the device to be executed by the user prior to the communicating unit communicating the log of the monitor data, wherein the abstract class includes first and second derived classes, the first derived class storing data of one session and the second derived class storing data of the set number of sessions (column 3, lines 18-32); and wherein the log of the monitored data is in a form of an abstract class (column 11, line 25 through column 12, line 64);

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As per claims 8, 16, 24, and 32, Boulton discloses the communicating unit communicated the log of the monitored data by Internet mail (column 39, lines 50-65).

As to claims 33-36, Boulton also discloses the log of monitored data being in a form of an abstract class (column 11, line 25 through column 12, line 64).

Response to Arguments

Applicant argues that there is no motivation to combine the teachings of Varga to Boulton. However, the examiner respectfully disagrees because both references teach a specific monitoring program. Boulton discloses "A feedback interface of the present invention quickly and easily collects feedback from a user. A feedback viewing interface of the present invention receives feedback data from one or more users and presents the feedback data to a reviewer according to specific preferences of the reviewer. The feedback system of the present invention collects feedback from users and present feedback to reviewers in forms capable of promoting improvement in systems incorporating these roles". Varga teaches "a self-monitoring vending machine with remote network communication and a process for analyzing information so communicated in order to provide efficient scheduling of service calls".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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(toll-free).

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER